

5 November, 1990

The Honorable Richard G. Brungard
Assistant Attorney General
Republic of Palau

Dear Sir,

This letter follows up on our conversation of a few days ago during which we discussed the situation at Helen Reef and possible options. Of course as a private American citizen I do not in any way speak for the people and/or government of Tobi, the traditional owners of that reef. On the other hand I have spent a good deal of time with them over the years and it is for this reason that I hope my perspective might be useful to you.

BACKGROUND

The first point to be made is that Helen Reef has always been Tobian. Should this point be contested at some time in the future there is ample evidence to support this statement. In any event it is because Tobi is included within the Republic that the National Government has rights and responsibilities at Helen Reef. Further, it is because of their traditional ties to the reef that the people of Tobi feel a strong sense of obligation to see that the resources of the reef are managed in such a fashion that they, and especially their descendants, can continue to benefit from them. Their deep anger and frustration with the present situation arises from the rapid increase in poaching activities at the reef and the failure of steps taken so far to put much of a dent in them.

The second point to bear in mind is that Helen Reef is the outstanding marine resource in Palau, and probably the richest single reef in all of Micronesia. Approximately 6.5 miles wide by 13.8 long, it is home to vast populations of birds, turtles, fish and shell fish.

Third, there is the rapid increase in illegal poaching taking place at Helen Reef. As you pointed out when we talked, in the absence of systematic records covering the last several years documentation for this statement must rest on the memories on various people who have been involved with the problem for some time. All the people with whom I have spoken agree that beginning in 1988 there was a rapid escalation in the number of boats violating the reef. From a rate of one or two a year in the mid-1980's the situation has deteriorated until it has reached today's rate of nearly one or two a week. That latter estimate is taken from the partial records I have kept since I arrived here in mid-August. The great majority of these vessels are small craft from Indonesian islands. Others have

included ships from Japan, Hong Kong, The Soviet Union and elsewhere. The damage they have already done is substantial. There are few, if any, legal sized trochus remaining on the reef, for example.

Fourth, because the present system for dealing with this situation is not working the probability for serious confrontations and even violence is increasing. The small number of men living on the reef, their anger at its destruction, and the recent presence of weapons on one of the boats raise the possibility of much more tragic events than the recent brawl which took place there.

OPTIONS

A suggestion has been made that the stationing of a policeman on the island would serve to eliminate or at least reduce substantially this problem. It is difficult for me to see how this would work in practice. The fundamental difficulty of a small number of people, hundreds of miles and many hours from reinforcements, trying to prevent boats from entering or driving them away if they do, would remain. If the policeman's threat does not work, what is he to do? He can try to arrest the intruders, of course, but then the fruitless expense of bringing a vessel from Koror to escort the prisoners and their vessel to Palau for legal proceedings must be faced. If he is not prepared to arrest them, then what has been changed by placing him there? The game of bluff and counter bluff, in which the intruders are threatened with the patrol boat from Koror and then try to stay as long as they can before fleeing, has simply added a new player. Nor is it at all clear how arming the policeman would contribute toward a solution. If he is not prepared to use the weapon then his presence is a bluff which will eventually be called. If he is prepared to use it, then stationing him on the reef has simply escalated the problem, at least in my opinion.

An alternative solution would be to station a vessel in Helen Reef. This vessel, as opposed to a lone policeman, would serve as a credible deterrent. No doubt most illegal vessels would turn away upon sighting its presence, especially if it was equipped with obvious symbols of law enforcement. Those that did not, but were not worth arresting, could be escorted out of the Republic's waters. Should an arrest be called for, the violators could be escorted to Palau without the necessity of the dispatch of a ship from Koror. In brief, then, stationing a ship at the reef would provide the capacity for meeting the two prerequisites for enforcing maritime law--surveillance and boarding. It seems to me quite unrealistic to expect that these two criteria can be met by stationing a policeman there. With the presence of a ship, though, it is highly likely that word would soon circulate that the risks of an illegal trip to Helen Reef had increased dramatically and the rate of violations would drop to an acceptable level. Such an effective defense of the Republic's sovereignty would then allow

the reef to recover.

Of course such an approach could present several problems, the most serious of which would be financial. However there is one possibility requiring very little, if any, use of the National Government's resources. It is to make the vessel stationed at Helen Reef a dual purpose fishing/patrol vessel under the control of Hatothobei State and staffed by people from Tobi. Such a vessel would be at least partially self supporting. Furthermore, it could be used as a field trip ship, which would also represent considerable savings. I should point out that there is a long sea going tradition on Tobi and that today there is a great deal of merchant marine and commercial fishing experience among them. In fact, nowhere in Palau is there such a concentrated pool of human resources available for such a project. Tobians are fully capable of staffing and maintaining such a ship with crew and officers covering both engine room and bridge.

One final point remains. As I mentioned during our conversation, a number of foundations might be interested in contributing toward the preservation and rational management of the resources of Helen's Reef. Among those with a special interest in this area are The Jans Foundation, Cultural Survival Inc and The Open Seas Foundation. These are, of course, in addition to such mainstream environmental groups as the Sierra Club, for example. A demonstration of the Republic's commitment to the integrity of Helen Reef such as I have outlined here could only serve to strengthen any proposal which might be submitted requesting the assistance of these or other foundations.

I hope you have found what I have said here of some use as you try to solve this difficult problem. Should you wish to discuss this further, I would be happy to do so. I will be leaving Koror on the 18th of November. Until then I can be reached during the day at 488 2218 and in the evenings at 488 1383. After that I can be reached at the following address:

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Sincerely,

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